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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/808,821 | 03/25/2004 | Yojiro Matsuda | 1232-5357 | 6590 |
| 27123 | 7590 | 06/30/2005 | EXAMINER | |
| MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101 | | | TRA, TUYEN Q | |
| | | | ART UNIT | PAPER NUMBER |

2873

DATE MAILED: 06/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

CM

| | | | |
|------------------------------|-----------------|-----------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/808,821 | MATSUDA, YOJIRO | |
| | Examiner | Art Unit | |
| | Tuyen Q. Tra | 2873 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 August 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>1104</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Oath/Declaration

1. The declaration filed 12/27/04 is acceptable.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1 and 2-5 are rejected under 35 U.S.C. 102(e) as being anticipated by Hirano et al. (U.S. Pat. 6,614,412 B1).

a) With respect to claim 1, Hirano et al. discloses a method for recording and reproducing information, apparatus therefor and recording medium in Figure 1 and 12 comprising of charged particles (not shown) located on a substrate (item 1) and means (electrodes 2,4) for moving the charged particles parallel to the substrate, wherein positions of the charged particles on the substrate determines a plurality of display states recognized from above the substrate, and the substrate (1) contains a fluorescent material (item 8)(col.11, line 63 - col. 2, line 4).

b) With respect to claim 2-5, Hirano et al. further discloses wherein the fluorescent material forms an area that absorbs invisible light and emits visible light; wherein the plurality of display states comprises a state where the area is covered with the charged particles, and a state where the area is exposed; wherein the charged particles contain

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a material that absorbs light in a wavelength range that excites a fluorescent material or luminous material; wherein the charged particles contain a material that absorbs a light in a wavelength range corresponding to emission light from a fluorescent material (col. 3, lines 38-46).

4. Claims 1 and 6-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Nakamura et al. (U.S. Pat. 6,597,334 B1).

a) With respect to claim 1, Nakamura et al. discloses a method for recording and reproducing information, apparatus therefor and recording medium in Figure 1 comprising of charged particles (not numbered, shown in Fig. 5A) located on a substrate (item 1) and means (electrodes 4) for moving the charged particles parallel to the substrate, wherein positions of the charged particles on the substrate determines a plurality of display states recognized from above the substrate, and the substrate (5) contains a fluorescent material (item 11) (col.1, lines 40-63).

b) With respect to claim 6-8, Nakamura et al. further discloses wherein the substrate has a reflecting surface which reflects visible light from above the substrate, and wherein the fluorescent material or luminous material is located to cover the reflecting surface; wherein the substrate has a partition to enclose the charged particles to each display element, and the partition contains a fluorescent material or luminous material; wherein the display device further comprises a container located on the substrate, and a transparent liquid held in the container, wherein the charged particles are held in the transparent liquid.

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Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuyen Tra whose telephone number is (571) 272-2343. The examiner can normally be reached on Monday to Thursday from 8:30am to 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Georgia Epps, can be reached on (571) 272 - 2328. The fax number for this Group is (703) 872-9306.

tt

June 21, 2005


Hung Xuan Dang
Primary Examiner